

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION

DWIGHT PIPES, et al.

PLAINTIFFS

vs.

Case No. 1:07-cv-0035-SWW

LIFE INVESTORS INSURANCE
COMPANY OF AMERICA

DEFENDANT

**JOINT MOTION TO STAY
PENDING FINAL APPROVAL OF SETTLEMENT**

Plaintiffs and the Defendant (collectively, the “Parties”) respectfully request that the Court enter an order staying all proceedings in this action pending a decision on final approval of a class action settlement that encompasses this action. As discussed below, the decision on final approval is expected to occur within 90 days. In support of this Motion, the Parties state the following:

1. The Parties have reached a class action settlement agreement (the “Settlement”) in a related matter entitled *Runyan, et al. v. Transamerica Life Insurance Company, et al.* (Case No. CV-09-2066-3), pending in the Circuit Court of Pulaski County, Arkansas, Third Division. The Settlement includes the Parties to this action and provides that upon Final Approval of the Settlement, the Parties will move to dismiss this action with prejudice.

2. On April 23, 2009, the Circuit Court in the *Runyan* action entered an Order granting preliminary approval to the Settlement. A copy of the Order Granting Preliminary Approval to Class Action Settlement and Directing Notice to Settlement Class is attached hereto as Exhibit 1 (the “Preliminary Approval Order”).

3. Pursuant to the Preliminary Approval Order, a written Notice of Proposed Class Action Settlement (the “Notice”) is to be mailed to all Settlement Class members on May 14,

2009. Pursuant to the rules of civil procedure for court review and approval of class action settlements, the Circuit Court in the *Runyan* action has scheduled a hearing for July 27, 2009 (the “Fairness Hearing”) to consider whether the Settlement should be given Final Approval. Upon Final Approval, the Settlement provides that this action is to be dismissed with prejudice.

4. Public policy strongly supports the compromise and settlement of disputed claims. The instant lawsuit involves claims that have been resolved in a binding Settlement Agreement, subject only to Final Approval by the Circuit Court in the *Runyan* action. It would be a waste of party and judicial resources to continue this action under these circumstances. Accordingly, the Parties respectfully request a stay of this case until the Circuit Court rules on Final Approval of the Settlement.

5. The Parties agree to report to this Court promptly upon any decision of the Circuit Court on Final Approval of the Settlement.

6. No party will be prejudiced by the relief sought herein.

WHEREFORE, the Parties respectfully request the Court enter an Order staying these proceedings until the Pulaski County Circuit Court makes a final determination regarding Final Approval of the Settlement.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 14, 2009, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to all known counsel of record.

/s/ John K. Baker
John K. Baker

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ORDER

Considering the Joint Motion to Stay Pending Final Approval of Settlement, and good cause having been found to grant the relief requested in the Motion:

IT IS ORDERED that this case is stayed, and all pending deadlines and trial dates are hereby suspended until further order of the Court. Either party may move to lift the stay upon good cause shown, and the parties are instructed to report to the Court on the status of the Settlement proceedings pending in the Circuit Court of Pulaski County within 120 days from the date of this order.

This _____ day of May, 2009.

UNITED STATES DISTRICT JUDGE